

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Reduce the Incidence of Incarceration for People with Mental Illness**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §2804-C, sub-§2-B,** as enacted by PL 2005, c. 393, §1, is amended to read:

**2-B. Training regarding people who are homeless or who have mental illness.** The board shall include in the basic law enforcement training program a block of instruction aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. The board shall also include a block of instruction aimed specifically at addressing the special circumstances connected with responding to people who are experiencing psychiatric crises, including discussion of crisis intervention team programs administered by a state chapter of a national alliance on mental illness and program outcomes and other best practices for diverting those people to treatment.

**Sec. 2. 25 MRSA §2804-D, sub-§1,** as amended by PL 2001, c. 386, §6, is further amended to read:

**1. Required.** As a condition to the continued employment of any person as a full-time corrections officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of employment, a basic training course of not less than 80 hours as approved by the board. That course must contain information about crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other best practices for responding to psychiatric crises in a correctional setting. Thereafter, as a condition of continued employment as a full-time corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 90 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction within the 2 years immediately preceding employment. This section applies to any person employed as a full-time corrections officer on or after July 6, 1978. Administrators of facilities where there are corrections officers who are not full-time are encouraged to develop an orientation program for those persons. A full-time correctional trade instructor hired after January 1, 2002 must meet the training requirements established under this subsection for full-time corrections officers.

**Sec. 3. 34-A MRSA §1210-A, sub-§1, ¶A,** as enacted by PL 1997, c. 753, §2, is amended to read:

A. "Community corrections" means the delivery of correctional services for juveniles or adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house

programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crimes or adjudicated delinquents. "Community corrections" may include programs in the jail, such as crisis intervention team programs administered by a state chapter of a national alliance on mental illness, that are designed to reduce the incidence of psychiatric crisis, including the need for one-on-one supervision or restraint of inmates who are suicidal.

**Sec. 4. 34-A MRSA §1210-A, sub-§3,** as enacted by PL 1997, c. 753, §2, is amended to read:

**3. Distribution.** Beginning July 1, 1998 and annually thereafter, the department shall distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former section 1210 in fiscal year 1996-97. The percent distribution per county is as follows:

- A. Androscoggin: 8.5%;
- B. Aroostook: 6.6%;
- C. Cumberland: 17.6%;
- D. Franklin: 2.4%;
- E. Hancock: 3.3%;
- F. Kennebec: 6.9%;
- G. Knox: 6.4%;
- H. Lincoln: 3.7%;
- I. Oxford: 4.7%;
- J. Penobscot: 13.7%;
- K. Piscataquis: 1.3%;
- L. Sagadahoc: 2.7%;
- M. Somerset: 5.5%;
- N. Waldo: 3.7%;
- O. Washington: 1.8%; and
- P. York: 11.2%.

Effective September 30, 2007, counties that use a portion of these funds to establish crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other programs designed to reduce the incidence of psychiatric crisis must receive an additional 2% in funding.

**Sec. 5. 34-B MRSA §1219, sub-§3** is enacted to read:

**3. Evidence-based and best practices programs.** The department shall include the development and maintenance of crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based diversion programs in its comprehensive strategy for preventing the inappropriate incarceration of seriously mentally ill individuals and for diverting those individuals away from the criminal justice system. Crisis intervention team programs must be included in the State's joint action plan for diversion and reentry.

**Sec. 6. 36 MRSA §1811, first ¶**, as amended by PL 2001, c. 439, Pt. TTTT, §2 and affected by §3, is further amended to read:

A tax is imposed on the value of all tangible personal property and taxable services sold at retail in this State. The rate of tax is ~~7%~~7.5% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of rental for a period of less than one year of an automobile; 7% on the value of prepared food; and 5% on the value of all other tangible personal property and taxable services. Value is measured by the sale price, except as otherwise provided.

**Sec. 7. Funding for crisis intervention teams.** The Department of Health and Human Services, the Department of Corrections and the Department of Public Safety shall jointly fund crisis intervention teams in jails and police departments in this State. Annual funding of \$90,000 must be provided to the National Alliance on Mental Illness of Maine to start and administer crisis intervention team programs across the State and engage in other jail diversion project development and delivery.

## SUMMARY

This bill:

(1) Requires 3 departments of government to jointly fund the National Alliance on Mental Illness of Maine to establish and maintain crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other jail diversion programs across the State;

(2) Requires the Maine Criminal Justice Academy to educate law enforcement and correctional officers about crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based and best practice diversion programs;

(3) Establishes an incentive for correctional centers to establish crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based programs for reducing the incidence of psychiatric crises in jail by granting them additional funding from the County Jail Prisoner Support and Community Corrections Fund; and

(4) Establishes an incentive for law enforcement departments to implement crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other best practices for diverting people in psychiatric crisis from jail by increasing the tax on the sale of liquor sold in licensed establishments by .5%.

